

REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Applicants thank the Examiner for the telephone conference of July 28, 2004. Claims 1 and 4 have been amended as discussed in the telephone conference. Claims 1-8 are currently pending. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §103 Rejections

Claims 1-5, 7, and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Aldeen reference in view of the Eberle reference. This rejection is respectfully traversed.

The Aldeen reference discloses a filtration apparatus that uses one or more filters. The Abstract of the Aldeen reference discusses filters (e.g., a coarse filter and a fine filter); Figure 7 of the Aldeen reference shows embodiments of filters; column 5, lines 47-62 discloses the pore size of filters suitable for use in Aldeen's filtration apparatus; and column 8, lines 40-57 discloses that the filters may be made of nylon, Teflon, polypropylene, nitrocellulose, and metals such as copper, nickel, and stainless steel. Filters and the discussion of pore size requires a multiplicity of holes.

Applicants have amended claims 1 and 4 to clarify that the recited aperture is a "single" aperture. Support for this amendment can be found, for example, at page 3, line 28 through page 4, line 1, at page 6, line 30, and at page 7, line 25. This amendment clearly distinguishes the claimed invention over the Aldeen reference, and the Examiner indicated in the telephone conference of July 28, 2004 that the rejection over Aldeen would be withdrawn in view of this amendment. Furthermore, the Eberle reference, which teaches the use of swabs, does not cure the deficiencies of the Aldeen reference. Therefore, Applicants respectfully request that the rejection of claims 1-5, 7, and 8 under 35 U.S.C. §103 be withdrawn.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Aldeen reference, the Eberle reference, and further in view of the Moore Jr. et al. reference. Applicants respectfully traverse this rejection.

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As indicated above, claims 1 and 4 have been amended to clarify that the recited aperture is a "single" aperture, which clearly distinguishes the claimed invention over the Aldeen reference. Also as discussed above, the Eberle reference does not cure the deficiencies of the Aldeen reference. The Moore Jr. et al. reference, which discloses sterilizing centrifuge tubes, does not cure the deficiencies of the Aldeen reference, or the Aldeen reference in combination with the Eberle reference. As above, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

Enclosed is a Request for Continued Examination (RCE) and the required \$385 fee.
Please apply any other charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date: _____

July 30, 2004

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